

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TARIQ JOHNSON, a/k/a  
WILLIAM JAMES,

Plaintiff,

v.

C.O. ROTH, et al.,

Defendants.

Civil Action No. 08-331 Erie

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on December 1, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 24], filed on August 28, 2009 recommended that the Plaintiff's motion to remand [Doc. No. 9] be denied; the motion to dismiss or for a more definite statement filed by Defendant Mowry [Doc. No. 5] be granted in part and denied in part, specifically, that the motion to dismiss be granted and the motion for more definite statement be denied; and the motion to dismiss filed by the Commonwealth Defendants [Doc. No. 15] be granted. The parties were allowed ten (10) days from the date of service to file objections and service was made on Plaintiff by certified mail. No objections were filed. After de novo review of the motions and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15<sup>th</sup> day of September, 2009;

IT IS HEREBY ORDERED that the Plaintiff's motion to remand [Doc. No. 9] is DENIED; the motion to dismiss or for a more definite statement filed by Defendant Mowry [Doc. No. 5] is GRANTED in part and DENIED in part; the motion to dismiss is GRANTED and the motion for a more definite statement is DENIED as moot; and the motion to dismiss filed by the Commonwealth Defendants [Doc. No. 15] is GRANTED.

The Report and Recommendation [Doc. No. 24] of Magistrate Judge Baxter, filed on August 28, 2009, is adopted as the opinion of the Court.

The clerk is directed to close this case.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge